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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,542	04/20/2006	Marc Joye	1032326-000388	3899
21839	7590	12/12/2008	EXAMINER	
BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404				NGUYEN, MINH DIEU T
ART UNIT		PAPER NUMBER		
2437				
NOTIFICATION DATE			DELIVERY MODE	
12/12/2008			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/576,542	JOYE, MARC	
	<b>Examiner</b>	<b>Art Unit</b>	
	MINH DIEU NGUYEN	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 April 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,8 and 9 is/are rejected.  
 7) Claim(s) 2-7 and 10-18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 4/20/06.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This office action is in response to the communication dated 4/20/06.
2. Claims 1-18 are pending.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 4/20/06 has been placed in the application file and the information referred to therein has been considered as to the merits.

### ***Drawings***

4. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Claim Objections***

5. Claims 1-2, 4 and 7 are objected to because of the following informalities:
  - a) As to claim 1, the phrase "producing random numbers  $S_i$ " should be – producing random **variables**  $S_i$ --.

- b) As to claim 2, step E33 is missing, if E33\_1 and E33\_2 are substeps of step E33, please indicate clearly.
- c) As to claim 4, the phrase “steps E33-1 and E33\_2” should be –steps E33\_1 and E33\_2--.
- d) As to claim 7, there are substeps E33\_41 to E33\_43, there are gaps between substeps E33\_1, E33\_2 and E33\_41 to E33\_43, please renumber for consistency and ease to follow.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

- 6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 7. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of claim 1 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims 2-18 are rejected by the same rationale applied against claim 1.

#### ***Claim Rejections - 35 USC § 112***

- 8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites “producing random numbers  $S_i$  of size N fixed between 0 and W-1”. Is size N the total numbers of random numbers  $S_i$  or the size of each random number  $S_i$ ? Element “W” is not defined. Claim 9 recites a chip card according to claim 1. It is not clear what does a chip card do? How does it relate to claim 1?

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1 and 8-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitted Prior Art (AAPA).

AAPA discloses a cryptographic method during which use is made of a random number generator producing random numbers  $S_i$  of size N fixed between 0 and W-1, in order to produce a random number R between 0 and a predefined limiter K, wherein:

E31: a random variable  $S_i$  between 0 and W-1 is produced.

E32: if the random variable  $S_i$  is strictly less than a coefficient  $K_i$  of the limiter  $K$  in base  $W$ , then the coefficient  $R_i$  of rank  $i$  of the random number  $R$  is equal to the random variable  $S_i$  and then, for any rank  $J$  less than  $i$ , a random variable  $S_j$  between 0 and  $W-1$  is produced and  $R_j = S_j$ ,

E33: otherwise, if said random variable is greater than the coefficient  $K_i$  of rank  $i$  of the limiter  $K$  in base  $W$ , then said coefficient  $R_i$  is determined from the random variable  $S_i$  of rank  $i$  according to a predetermined function, and then the coefficient  $R_{i-1}$  is determined for the random number  $R$  of rank  $i-1$  that is immediately lower by repeating steps E31 to E33 (AAPA: 0006-0010).

### ***Allowable Subject Matter***

12. Claims 2-7 and 10-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Minh Dieu Nguyen/  
Primary Examiner, Art Unit 2437